

REMARKS

All pending claims are rejected in the pending Office Action of April 6, 2010. Claims 1-5, 8-10, 13-14 are rejected under 35 U.S.C.103(a) as allegedly being unpatentable over Mizuta (US 2003/0064758) in view of newly cited US 2002/0042287 to Asami (“Asami”), and further in view of newly cited JP 2000-316040 to Masato (“Masato”). Claims 6 and 11 stand rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Mizuta in view of Asami, further in view of Masato, as applied to claims 3 and 9, and further in view of Kim. Claims 16-17 stand rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Mizuta in view of Asami in view of Masato, as applied to claims 1, 9, and further in view of Kim. In response, Applicant has amended independent claims 1 and 9 to more clearly recite the invention and added new independent claim 18. Claim 3 was also amended to harmonize its language with amended independent claim 1.

For the following reasons, Applicant submits all pending claim are allowable of the prior art of record. Applicant has amended claims 1 and 9 to clarify, as shown in the exemplary embodiments in Applicant’s pending application, that the claims are generally directed to a portable radiotelephone including: a first housing; a second housing; a first speaker arranged at one side of a first housing; a second speaker arranged at the other side of the first housing; and a communication control section that controls operating conditions in an opened state and a closed state. New claim 18 has similar claimed features. As claimed, the first housing includes both the first and second speakers on respective ends thereof and the second housing includes the microphone at one end thereof, and the operation of the first speaker and the second speaker is controlled in accordance with the opened state and the closed state of the first housing and the second housing.

In contrast, none of the cited references teaches or suggests controlling the operating conditions of the speakers in accordance with the opened state and the closed state of one housing including two speakers located on opposite ends thereof and another housing including a microphone. This is also true of newly cited Mizuta, which although disclosing two speakers, does not disclose two speakers on the same housing on opposite ends. In Mizuta, the speakers are separately located on different housings. In Mizuta, the speaker that acts as a speakerphone, loudspeaker 8, is located adjacent to the microphone 9 and on a separate housing from speaker 3. In the claimed embodiment, both speakers are on a single housing and the speaker closest to the microphone when the portable terminal is in the closed state is not operational for reasons previously provided. For example, claim 1 requires that the second speaker, the speaker closest to the microphone in the closed state, the first mode of operation as recited in claim 1, is disabled in the closed state. Specifically, claim 1 requires “wherein in said first mode of operation [in the closed state], said communication control section controls said first speaker to function as a receiver and disables said second speaker, and in said second mode of operation, said communication control section controls one of said first and second speakers that is arranged in a position further from said microphone in the opened state to function as a receiver and disables another one of said first and second speakers that is arranged in a position closer to said microphone in the opened state.” Claim 9 and new claim 18 recite similar language. None of the cited references teach the claimed combination and, therefore, no pending claims would have been obvious to one of ordinary skill the art.

For the foregoing reasons, and for the reasons articulated in Applicant's prior response, which is incorporated herein, Applicant respectfully submits claims 1-18 are now allowable over the cited prior art. Payment of the appropriate fees, if any, and/or granting of the appropriate extension is requested, and the Commissioner is directed to debit our deposit account, Account No. 50-0675, Order No. 848075/0060, for the amounts required.

Respectfully submitted,


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